

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHRISTY KEMPER)
PLAINTIFF,)
VS.) CIVIL ACTION NO. 08-
) JURY TRIAL DEMANDED
NCO FINANCIAL SYSTEMS INC.) UNLAWFUL DEBT COLLECTION
DEFENDANT.) PRACTICES
COMPLAINT

I. INTRODUCTION

1. Plaintiff Christy Kemper alleges that Defendant engaged in abusive, deceptive, and unfair acts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA"). Specifically, Defendant, through the actions of its employees, left a series of voice messages on Plaintiff's residential phone in an effort to collect a debt. The messages did not give the required disclosure regarding Defendant's status as a debt collector nor did they provide meaningful disclosure of the Defendant's identity.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1337 and diversity of citizenship. Venue in this District is proper in that the Defendant transacted business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff is a resident of this State, District and Division who is authorized to bring this action.

4. Defendant NCO Financial Systems Inc. (hereinafter referred to as "NCO") is a Pennsylvania Corporation, doing business in the State of Missouri. NCO's Registered Agent is The Corporation Company, 120 South Central Ave., Clayton, Missouri 63105.

5. NCO is subject to the jurisdiction and venue of this Court.

6. NCO may be served by personal service upon its registered agent located in the state of Missouri, to wit: The Corporation Company, 120 South Central Ave., Clayton, MO 63105.

FACTUAL ALLEGATIONS

7. NCO uses telephone communications in its business.

8. The principle purpose of NCO's business is the collection of debts.

9. NCO regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.

10. NCO is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.

11. In the course of attempting to collect a debt allegedly due from Plaintiff to a business not a party to this litigation, NCO communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.

12. In the summer and fall of 2008, NCO left a series of voice messages on Plaintiff's telephone voice mail box.

13. In some of these telephone messages, NCO's caller failed to disclose Defendant's identity.

14. In these telephone messages, NCO's caller did not state that the communication was from a debt collector.

15. In these telephone messages, NCO 's caller did not state that the communication was an attempt to collect a debt .
16. Defendant's communications violate the Fair Debt Collection Practices Act.
17. Plaintiff has complied with all conditions precedent to bring this action.

VIOLATIONS OF THE FDCPA

18. Plaintiff incorporates herein by reference each and every prior allegation and fact as though fully restated and re-alleged.
19. Defendant's actions violated the FDCPA. The violations include, but are not limited to, the following:

- (a) Defendant violated 15 U.S.C. § 1692e(11) when it left messages on Plaintiff's residential phone line which failed to indicate that the communication was from a debt collector;
- (b) Defendant violated 15 U.S.C. § 1692d(6) when it left messages on Plaintiff's residential phone line which failed to provide meaningful disclosure of Defendant's identity;
- (c) Defendant's actions were unfair and unconscionable means to collect the debt in violation of 15 U.S.C. § 1692f.

20. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiff for statutory damages, and costs and attorney's fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k;
- B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;
- C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

/s/ Christy Kemper
Christy Kemper

Respectfully submitted,

THE SWANEY LAW FIRM

/s/ Robert T. Healey
Robert T. Healey
EDMO # 3356; Missouri Bar #34138
Attorney at Law
3460 Hampton, Suite 205
St. Louis, MO 63139
rhealey@sswaneylawfirm.com
telephone: (314) 481-7778
fax: (314) 481-8479